

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GOVERNMENT'S OPPOSITION TO FRANK MILLER'S MOTION TO
ENLARGE DATES FOR SENTENCING SUBMISSIONS AND SENTENCING

Defendant Frank Miller seeks to continue his sentencing date for a month or more, claiming in principal part that the delay is necessary in order to allow him yet more time to assess his position regarding the loss calculation. The government's position - that the loss exceeds \$20.0 million - has been known to this defendant, Gitto/Global's chief financial operative, for two or more years. The issue of the loss calculation has been the subject of debate for months and months, preceding the defendant's change of plea and thereafter. There have been extensive disclosures, several meetings, numerous discussions, and updates as the government continuously refines its work product (the loss category has not changed). Over these many months the government has invited, but not received, support for the defendant's contention that the loss figure is too high. Now the government learns that the defendant 1) needs still more time on the loss issue and 2) has in the meantime retained a forensic psychologist with a tardy report. To the government's knowledge, Mr. Miller's competency has never heretofore been called into meaningful question.

The parties are on course for an evidentiary sentencing hearing. If the time reserved on January 28, 2011 cannot accommodate evidence and argument, the hearing should be

rescheduled to a date convenient to the Court. The continuance requested by the defendant, for the reasons proffered, should be denied.

Dated: January 7, 2011

By its attorney,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Lori J. Holik
Lori J. Holik
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2011 I will cause a copy of the above to be served by causing same to be electronically filed with the Court.

/s/ Lori J. Holik
Lori J. Holik
Assistant U.S. Attorney